largest spender of dark money in congressional races.

Dark money talks, as we see every election on our television screens. But every bit as important, dark money threatens.

Republican colleagues have told me how this works. When a Republican dares to engage with Democrats to do something about climate change, a warning shot flies above their head. Chamber dark money and threats killed Republican support for substantial climate legislation.

When I got here in the Senate in 2007, there was a steady heartbeat of bipartisan climate activity, climate bill after climate bill, hearing after hearing. John McCain ran for President as a Republican with a strong climate platform. That all dropped dead in 2010 with that Citizens United dark money power in the hands of the chamber of commerce, which brings us to the present day.

American corporations, today, need to tell consumers and shareholders that they care about climate change. They need to for a couple of reasons. First, some of them actually are getting hurt by climate change—big insurers, the tourism industry, agribusiness. Tropical cyclones, more frequent heat waves, floods and droughts, more intense wildfires, higher sea levels—these things cost American businesses enormous amounts of money. According to NOAA, America sustained over 300 weather- and climate-related disasters since 1980, where the damage in that disaster topped a billion dollars and the total damage among all those disasters is over $2 trillion—$2 trillion lost to uncontrolled climate change, thanks to dark money efforts by the fossil fuel industry and, specifically, its operative, the ''U.S. Chamber of Carbon.''

Of course, consumers expect corporations to face up to the climate threat. The public wants us to do something and big brands like Coke and Pepsi need to say the right things when it comes to climate. And many of these companies have great internal climate policies within the corporation. But then—but then—those companies turn around and they pay dues to the ''U.S. Chamber of Carbon.'' And the chamber—the corporate serial killer of all things climate in this building—goes out and kills the things that the companies say they want.

According to a new report from the watchdog group InfluenceMap, the chamber remains one of the biggest impediments to climate action in America. They said:

> There has been no material improvement in the Chamber's climate change policy engagement over the past five years, despite its positive ''high-level messaging'' on climate.

InfluenceMap concluded in this report last month:

> The organization remains a significant blockage to U.S. climate policy.

And it is supported by a whole swath of corporate America.

Many of us want a phone call with TechNet, the Silicon Valley trade association. Ten of its members are members of the ''Chamber of Carbon.'' They fund climate denial. They think they are doing the right thing on climate, but they are not. They are paying the biggest monster in the middle of a climate denial operation in this country.

So when Coke and Pepsi pay dues to the ''Chamber of Carbon,'' Coke and Pepsi's corporate net effect on climate legislation goes negative. The chamber keeps secret how much the fossil fuel industry paid it to turn the chamber into a ''worst climate obstructor.'' It has corralled its pro-climate members into what it calls a ''climate conversation'' that has been going on since 2019. I know that because I kicked it off. I thought something good might happen. But what has happened in that climate conversation since 2019 is that anything good on climate gets routed by the chamber into that climate conversation from which nothing serious has emerged in more than 2 years. It is where the good climate policy goes to die. It is the black hole of good climate action.

In the meanwhile, all the climate evil that doesn't get sent to the climate conversation goes straight by and out into chamber operations. At the end, the effect is clear: The ''Chamber of Carbon'' works the will of the fossil fuel industry and blocks climate progress in Congress, and it does so with corporate America's acceptance and financial support.

If the IPC is right that this is last call, that this is dangerous, that this is our make-or-break, do-or-die moment, then it is time for corporate America to tell the ''Chamber of Carbon'' to knock it off or to quit and disassociate themselves from the ''worst climate obstructor'' in America. We should no longer tolerate this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

NOMINATION OF KETANJI BROWN JACKSON

Mr. LANKFORD. Mr. President, there has been a lot of conversation in the past several weeks about Judge Jackson's judicial philosophy—rightfully so. This is a lifetime appointment on the U.S. Supreme Court. It is a serious position. I don't know a single Senator in this room that doesn't take their responsibility seriously. This is a big issue when you put anyone on the Supreme Court for a life appointment.

Everyone has had the opportunity to be able to go through case law, cases that she has handled, things she responded to, things that she has written, ways that she has responded. Actually, I had time last week to sit down with her for about 45 minutes in the office just to be able to talk and to be able to get back-and-forth with her a little bit.

I want to give a little bit of context to that because many Americans watched all the hearings that happened last week—a full week of just conversation with her, asking her all kinds of different questions. I don't serve on the Judiciary Committee so I am on the outside looking in. That is why I got time individually with her for about 45 minutes to be able to ask her questions and get to know her.

By the way, I had folks in Oklahoma say: You had the opportunity to sit down with her; what is she like?

To all of them, I answered the same way. She is actually the kind of person you would want to invite over for dinner, just to be able to sit and visit with—extremely pleasant, outgoing, personable, smart, sharp, wonderful smile and interaction. You would want to invite her over to dinner to be able to visit with.

But my decision is not about whether to invite her over for dinner to be able to spend time with. My decision is, How will they handle a lifetime appointment on the Supreme Court and how will they handle the law?

The difficult part of this conversation has been interesting. It really circled around judicial philosophy. How would you handle cases?

We can't ask: How are you going to actually rule on this specific case? Because if she answers, then she has to recuse herself from that case in the days ahead, and everyone knows that.

So we are always trying to determine: How will you treat cases in the days ahead and what lens will you look through? That is a reasonable conversation.

Her response has been interesting. Her response was that she had a ''methodology'' as a judge, and it has three aspects to it: Neutrality, which is a good thing; receiving all the appropriate inputs, which is making sure everyone is heard; and looking at the factual record and the text of the statute. That is actually a very good starting point with this.

The question then goes to the next set of questions on it: How do you handle the U.S. Constitution and where does that document fit in? Is it living? Is it changing? Is it the original text and the meaning of it, or does it have a living version that changes?

That is a reasonable conversation because there have been different Justices on the Supreme Court that have handled that differently.

The late Justice William Brennan wrote:

> For the genius of the Constitution rests not in any static meaning it might have had in a world that is dead and gone, but in the adaptability of its great principles to cope with current problems and current needs.

Well, that is not an original meaning in the original context and locked into that.

Justice Antonin Scalia wrote:

> The Constitution that I interpret and apply is not living, but [it is] dead, or as I prefer to call it, enduring. It means, today, not what current society, much less the court, thinks it ought to mean, but what it meant when it was adopted.

In other words, those words had meaning at that time. They couldn't

predict what those words might mean 100 years from now. They could only deal with what those words mean right now. And if it is going to have a different meaning at a different time, well, then, there has to be different law to be able to deal with that at a different time. We never got a really clear answer on that. We get things toward her methodology. That is a critical issue to be able to deal with.

There were issues about sentencing that came up and how she chose to do sentencing when she was at the district court level and handled cases. They were all over the news about some cases that she handled that were very lenient in the sentencing.

There were also a lot of questions about the Second Amendment or about due process.

There was kind of the moment of the judicial hearings when Senator BLACKBURN asked—not a trick question but a real conversational question—about how you handle the law and culture. And that is, Can you define a woman?

I honestly don't think that Senator BLACKBURN meant for that to be a trick question, but it really is a question in culture at this point. It will determine how you are going to handle the law and to be able to read the law.

Her response was she couldn't answer the question of how to define a woman because she is not a biologist. Well, I am not a biologist either, but I think I can define that question. And it is just a conversational issue that we have as a nation to be able to determine: Let's deal with things that are self-evident.

There were all those issues that were dealt with during the hearing time, but when I got with her, I didn't want to go back and revisit those issues. I wanted to spend time with her talking through the things that weren't actually discussed.

Obviously, it was over days of her hearings. There were several issues discussed about how she handles the law. One of those is Tribal law. In some areas of the country, this is a very big deal and in some areas, not at all. So I understand why it didn't come up in the hearings.

In her past history in her cases, she has had one case to deal with Tribal law. So there are a lot of questions to be able to talk about.

Oklahoma is very proud of who we are as a State. We have great diversity as a State. We have a unique relationship in Indian Country in our State. I thought it was important for us to be able to talk about the relationship that our State has with 39 Tribes and, quite frankly, the history our State has, as we were the State where Tribes were relocated to from the Southeast. We spent a lot of time talking about that.

We talked about issues of religious liberty, First Amendment issues, how you handle those cases. There are differences even in the Court, even on what is the more liberal side of the Court. Sotomayor and Kagan often disagreed on issues of religious liberties. They handle it with a different perspective, and it is not uncommon for a religious liberty case to come up and Sotomayor and Kagan to be on either side. So, quite frankly, I was trying to discern: Is this person more like Sotomayor or more like Kagan on how to handle the issues of religious liberty?

It didn't come up a lot in the hearings, but I really think that is a foundational issue.

Quite frankly, this is the fourth Supreme Court Justice I have had the opportunity to be able to sit down with personally, and with each of them, the issues that I just brought up were the issues that I talked with all four of them about because they don't often come up in the other issues, but to me it is foundational.

We have three branches of government defined by our Constitution. Those branches are coequal, and they check each other. And it is exceptionally important that they really do check each other; that the legislative branch doesn't just give it away to the executive branch or to the courts or that the legislative branch doesn't run over the courts or the executive branch and neither can the executive branch or the judicial branch do for either. But if the judicial branch sits passive at a moment that they should engage, the other two branches are not checked or if the judicial branch engages in a moment when they should be silent, they have exceeded their authority as well.

It is exceptionally important that the three branches both check each other and also know their lane and do their lane well.

There are two cases that popped out that became very significant to me and were part of our conversation as well. There was a case that came up during the Trump administration when Judge Jackson was at the district court level and dealt with this issue of expedited removal. Now, it is my guess that she doesn't like the expedited removal process in immigration, but I didn't ask that; I didn't drill down on that, so it was only my guess. But what was interesting was she ruled on a case on expedited removal and forbid the Trump administration from actually putting in place what they did and did it nationwide.

The problem was, when that was appealed up to the DC Circuit Court, the DC Circuit Court actually reversed Judge Jackson's preliminary injunction and reminded Judge Jackson, at that point, that the way the law was written made this statement: that the Secretary had ''sole and unreviewable discretion.''

She literally reviewed a decision made by a Secretary, where specifically in the law it stated a judge cannot review this decision, though she overturned it, only to go to the circuit court and have them overturn her. That tells me a balance of power issue, of knowing what your lane is and determining how that lane is taken on.

There is another case that came up, actually during the Trump administration as well, when Judge Jackson was also in the district court, and she dealt with the issue about what unions could do and what the executive branch could do in relationship to unions.

It has been a contentious issue, quite frankly, for decades. It is entirely reasonable to be able to have that kind of dialogue about it. She ruled in the favor of the unions, and the DC Circuit, again, reversed her decision when it came there, but it is not just that they reversed her decision, it is that they reversed her decision, and this was the statement from the DC Circuit:

> We reversed because the district court lacked subject matter jurisdiction.

In other words, that is not your responsibility in that lane. Specifically, that kind of issue has to be taken up by the Federal Labor Relations Board. In statute, it says it can't go to a district court; it has to go to a different place. Typically, other judges look at it and say, ''You can't be in this spot to be able to argue this,'' and send it to the correct place. Instead, she ruled on it in favor of the unions and declared it done, until the circuit came back and said: That is not your lane. That is actually the executive branch's lane.

And one of the most interesting dialogues we had to be able to talk through things was the issue about deference.

Now, why does this matter? Well, for about 80 years, Congress has been writing a law that gets broader and broader and broader. Quite frankly, it has been a problem with both parties. If we want to see something done, we write a broad law; we send it to the executive branch; and we say figure it out.

And each executive branch is getting more and more creative on how they figure it out. And we deal with all kinds of regulations, and both parties argue with the executive branch and say: Why do you do that? And the executive branch responds back sometimes: Well, you gave me the ability to make that decision on my own and so I did.

This issue of deference and of delegation is a very significant constitutional principle. It is an issue that we have got to resolve here as a body—quite frankly, on both sides of the aisle—to be jealous of the responsibility that we are given in the Constitution.

But it is also an issue, I think, that is very important for the courts to be able to engage in because the courts are able to step in uniquely to the executive branch in a way the legislative branch cannot. The legislative branch can complain about it, but the courts actually can look at it and say, ''You are out of your lane,'' to the executive branch.

And if the court is passive in this, then whoever the executive is gets to run. One of the clearest examples of those is something that is called Chevron deference or our deference. I won't go into all the details on it, but it basically says, if a piece of legislation, the

way that it is written, is ambiguous, then the executive branch can interpret it the way that they choose.

I have a problem with that interpretation because I believe if the law was written poorly, we shouldn't just give it to the executive branch and say: Figure it out. What do you want it to mean? If it doesn't mean something clearly, it doesn't mean anything at all.

Now it is about two issues: One is a constitutional issue. If you go back to 1803, Marbury v. Madison is a foundational piece for the Supreme Court. This is the piece that has come up over and over again over the last two centuries.

The foundational statement that came out of Marbury v. Madison was this simple statement:

It is emphatically the duty of the judicial department to say what the law is.

If the judicial hands to the executive and says, ''We can't tell what the law says, so we will give it to you,'' it is literally the judicial handing to the executive something that is uniquely the judicial's power.

Now, this is no simple issue. This goes back to our balance of power. What we have is a situation now over the past several decades where Congress has given its power to the executive branch. If the judicial branch does the same, giving its power to the executive branch, we have a rising executive branch and the other two bodies will look at it and say: How did that happen? Because we gave it away is how it happened. And we have a more and more powerful President of either party and a less and less powerful Congress and judicial branch.

In my conversation with Judge Jackson, she repeated over and over to me that the court is limited, the court is limited, the court is limited. And I said, yes, they are limited, but they have a responsibility, and the court's responsibility is to say what the law is.

And at the moment—as I said to her, if I threw letters on the table, the executive branch doesn't have the ability to say: I will make them say whatever I want to.

I can't—if a law was written and the law said, ''Orange, penny, Ford, desk, Reagan,'' now all those are English words, but, quite frankly, they don't really make a sentence. The authority shouldn't be given to the executive branch to be able to figure out what they could make of that. The responsibility should be in the judicial branch to be able to look at that and say: That means nothing. Congress, go do your homework. Clean it up.

The executive branch can't just make it mean what they want it to say and say what the law is. Congress has to say make it clear and the judicial branch has to say what the law is and the executive branch has to apply it.

Now, again, this is very philosophical, but it is also foundational in our constitutional construct. It is why I find myself in the position of voting no for someone I personally liked when I met her but do not align with on how you handle the Constitution, separation of powers, and the responsibility of the court to align with original intent of the Constitution.

This is not a new dialogue for us in the Senate body. It is a conversation we have had for two centuries that is still unresolved for us. But we cannot select individuals that are not committed to the original meaning of the Constitution and can hand to the executive branch what the law says. This is one that we need to guard.

And so for that reason, when the vote comes tomorrow on Judge Jackson, I will vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Ms. BALDWIN. I rise today in strong support of Judge Ketanji Brown Jackson's confirmation as our Nation's next Justice on the U.S. Supreme Court.

Oftentimes, the debate in the Senate on judicial nominations loses sight of the personal stories of those who are put before us, so let me start there.

Let me start by talking about where Ketanji Brown Jackson came from to reach this extraordinary point where we are poised to write an important chapter of progress in our Nation's history.

Ketanji Brown Jackson was born in our Nation's Capital and grew up in Miami. She is the daughter of two former public school teachers, who themselves were raised in the Jim Crow South. Two of Judge Jackson's uncles were police officers in Miami, one who ultimately became the police chief. Her brother served in the U.S. Army and as a police officer in Baltimore.

Judge Jackson attended public school in the Miami-Dade County school system. She credits her father for starting her on a path to the law, as he went back to school to earn a law degree and became a lawyer working for the school board.

Family, education, hard work, public service, all guiding Judge Jackson on the path that brought her to this moment, to today.

She was elected mayor of her junior high school class and president of her high school class. She grew to be a standout on the speech and debate team. And when her high school counselor told her not to set her sights too high, she never accepted the limits of others—she persevered.

Judge Jackson went to Harvard where she graduated magna cum laude. She went to Harvard Law School where she was a top student and editor of the prestigious Law Review.

Following graduation from law school, this nominee worked for three consecutive Federal judges, culminating with a clerkship from 1999 to 2000 for Supreme Court Justice Breyer.

As Judge Jackson has said, this is the lesson she took from her experience:

Justice Breyer exemplified every day, in every way, that a Supreme Court Justice can perform at the highest level of skill and integrity while also being guided by civility, grace, pragmatism and generosity of spirit.

Guided by her belief in the power and promise of the Constitution and this Nation's founding principles—freedom, liberty, and equality—Judge Jackson went on to serve as an assistant Federal public defender in the DC Circuit, representing defendants who did not have the means to pay for a lawyer.

When confirmed, Judge Jackson will be the first former Federal public defender to serve on the U.S. Supreme Court. And to me, this is an extremely important qualification that Judge Jackson holds and will bring with her to the Supreme Court.

As a former public defender, she had firsthand experience delivering the Constitution's promise of due process. This promise, given to all Americans without regard to financial means or political connections, is an essential element of our system of justice.

We all should want this experience and the perspective it brings on our highest Court because it is a fundamental protection in our justice system.

Judge Jackson has been confirmed by the U.S. Senate three times previously. She was first confirmed by the Senate to serve as the Vice Chair of the U.S. Sentencing Commission. Following in the footsteps of Justice Breyer, she would become the only member of the current Court who previously served as a member of that bipartisan, independent commission dedicated to reducing sentencing disparities and promoting transparency and proportionality in sentencing.

Next, after President Obama nominated Judge Jackson to be a district court judge for the District of Columbia, she was once again confirmed by the U.S. Senate in 2013. During Judge Jackson's 8 years on the bench as a district judge, she issued more than 500 written opinions. And last year, she was again confirmed by the U.S. Senate with bipartisan support to serve on the U.S. Court of Appeals for the District of Columbia Circuit.

In confirming her to each of these positions, the Senate voiced its confidence in Judge Jackson's character, integrity, and intelligence. Experience matters, and the fact is, Judge Jackson is as qualified and experienced in the law as any nominee in our Nation's history, bringing more experience as a judge than four of the current Justices did combined at the time they joined the Court. This strong experience has provided her a clear understanding of the role of a judge and the role of the judiciary in our system of government.

As she has said herself, ''A judge has a duty to decide cases based solely on the law, without fear or favor, prejudice or passion.''

That is precisely why she has a proven record of being faithful to the Constitution and being an independent,

fair, and impartial judge. That is why Judge Jackson has earned the support of the law enforcement community, including the Fraternal Order of Police and the International Association of Chiefs of Police, as well as victims of crime, including domestic violence and sexual assault survivors.

I had the pleasure and, in fact, joy of meeting with Judge Jackson last week. No fairminded person can deny her impressive credentials and experience, and no one should deny the moment she has rightfully earned to be considered for a seat on the U.S. Supreme Court.

Our meeting wasn't long, but it was long enough for me to know that she has a quality that everyone we work for wants in a judge and certainly in a Justice on the Supreme Court. She knows how to listen, and I have every confidence that Judge Jackson understands how important that quality is for a judge to carry out their responsibility and commitment to the rule of law.

Judge Jackson's lifetime of hard work and perseverance has prepared her well for this inspiring moment. I believe the people I work for in Wisconsin agree.

A young high school student in Milwaukee recently said:

> Knowing she is the first person to do that, it like, gives me the idea that I can do big stuff too.

Jada Davis, the first Black woman to be crowned Miss Milwaukee and a law student at Marquette University, said this:

> The more you see yourself in other people the more confidence you will have to do those same things or go after what you want.

I know Judge Jackson has the character, temperament, and experience we want in a Justice on our highest Court. I also know what this moment means to thousands of girls across Wisconsin who, after Judge Brown Jackson's confirmation, will have even more proof that they can achieve ''big stuff'' too.

I believe she has a deep appreciation for the fact that the Supreme Court makes decisions that have a profound effect on the lives of all Americans and that she will work to serve and protect the constitutional rights and freedoms of all Americans.

I will proudly vote for this historic confirmation, the confirmation of Judge Ketanji Brown Jackson to the United States Supreme Court.

I yield the floor.

The PRESIDING OFFICER (Mr. KELLY). The Senator from Delaware.

Mr. CARPER. Mr. President, I am honored to follow my colleague from Wisconsin, and I rise as well regarding the nomination of Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

As some of you will recall, one of our colleagues from New Jersey, Senator BOOKER, delivered unusually poignant and unscripted remarks recently in the Senate Judiciary Committee about Judge Jackson's nomination and credentials and character. He moved many of those who were present to tears and spelled out as only he can what this nomination means for our Nation and particularly for the millions of Black Americans who look at Judge Jackson and see their own mothers, their own daughters, their own sisters, and their own friends.

Unfazed by the unfair attacks that day on Judge Jackson, our colleague said these words:

> Nobody is going to steal my joy.

I second that emotion. This historic moment and this historic nominee bring me great joy as well.

For the next several minutes, I am going to talk about Judge Jackson's impeccable qualifications. I am going to discuss her sterling record as a public servant, including nearly a decade as a Federal judge, that makes her supremely qualified to serve on our Supreme Court.

I also want to talk for a bit about the historic nature of this nomination and attempt to put in context just what it means for our Nation and for me personally to cast a vote to confirm the first Black woman to serve on the Supreme Court, because today, indeed, it brings a lot of us real joy in this body to know that we have the opportunity and the privilege to play a small part in Judge Jackson's confirmation.

Similar to President Reagan delivering on his promise years ago to nominate the first woman—Justice Sandra Day O'Connor—to the Supreme Court, President Biden has delivered on his own promise. He has nominated the first Black woman to the highest Court in our land, and our Nation can be proud of the nominee we are here to debate and to confirm.

Let me begin, however, by taking just a moment to thank Justice Stephen Breyer for his exemplary service to our country.

As many of our colleagues know, Justice Breyer was nominated to the Supreme Court by President Clinton in 1994, when I was serving as Governor of Delaware. Our Presiding Officer was an astronaut up in the ether above our planet. Justice Breyer was confirmed, some will recall, by an overwhelming bipartisan vote—87 to 9.

Justice Breyer served our country with distinction for over six decades, including as a corporal in the Army Reserve, a Federal circuit court judge, and for nearly three decades on the Bench of the highest Court in our land.

Justice Breyer is known as a consensus builder on the Bench—a trait I have long admired in judges dating back to my time as Governor of Delaware, when I had the opportunity to nominate literally dozens of highly qualified individuals to serve on Delaware's highly respected courts. Over the past three decades, Justice Breyer has helped forge principled compromises to protect the constitutional rights of all Americans and to uphold the rule of law.

During a small ceremony at the White House in January when Justice Breyer first announced that he would be retiring, he brought with him a pocket copy of the U.S. Constitution. In his brief remarks, Justice Breyer reminded us of how Lincoln and Washington and so many other giants of American history have described that document, our Constitution. They described it as an experiment.

As Justice Breyer reminded us, during the time of Washington and Lincoln, there were plenty of folks who doubted our system of government could ever work, plenty of folks who said: Well, that is a great idea in principle, but it will never work, at least not for long. But, as Justice Breyer said that day—he said: It is our job to show them that it does work and it will continue to work.

Our Constitution has made possible the greatest experiment in democracy in the history of the world. Over the past several years, I have spoken any number of times on the Senate floor about the wisdom of the Framers of our Constitution. In the hot summer of 1787, they met in Philadelphia, as you will recall, and designed an intricate system of checks and balances. Article I dealt with the Congress; article II dealt with the executive branch of our government; and article III, the judiciary.

America is the longest running experiment in democracy, and our Constitution is more replicated across the globe than any other Constitution in the world. But our Constitution has never been perfect. The Framers never pretended that it was perfect.

This past weekend, I was privileged to give the keynote address during a commissioning ceremony at the Port of Wilmington for a new Virginia-class, fast-attack, nuclear submarine that bears the name of Delaware—the first Navy vessel named after the State of Delaware in over 100 years. At the end of my remarks, there was a crowd of about several thousand people gathered on the Delaware River, right beside the submarine and its crew. Among the folks in that crowd were the President of our country and the First Lady of the United States, Dr. Jill Biden, who was the sponsor of the boat.

I asked everyone there to stand and hold hands and join me in reciting the preamble to the Constitution, which begins something like this:

> We the People of the United States, in Order to form a more perfect Union—

It doesn't say ''a perfect Union''; rather, it says ''a more perfect Union.'' Why is that? Because our Framers understood that this would be an experiment and that it would be up to each generation that follows to decide how this experiment will proceed and if it will succeed, up to each generation to face those who say that this great experiment in democracy will never work.

It is through our actions on days like this that we show them that it does

still work. Judge Jackson's nomination is proof that, indeed, we have made this Nation more perfect over time and that despite our divisions—and we have them—generations of Americans have worked together, often across party lines, across State lines, across philosophical lines, to make a nomination like this possible.

Like many Americans, I have seen remarkable progress in my own lifetime. While my sister and I were born in a coal-mining town in Beckley, WV, we were raised in Danville, VA, right on the North Carolina border, just north of Greensboro.

Danville, VA, was known as the Last Capital of the Confederacy. Forced to flee Richmond after Union victories started piling up in early 1865, Confederate President Jefferson Davis actually held his Cabinet's last meeting—their last meeting—in Danville, where I grew up. He did that a few days before Lee surrendered to Grant at Appomattox.

Although it was nearly a century after the Civil War ended when my family moved to Delaware—nearly a century—racial prejudice and discrimination still prevailed there.

Growing up, my sister and I witnessed racism up close and personal. Every morning, for example, our schoolbus would take us to an all-White high school 10 miles away from our home, and about half an hour later, another schoolbus would come by and pick up Black students who had been waiting along with us and take them to their school, past my school and another 10 miles to their school, which was not a better school. It was a school that none of us would be especially proud of.

If my sister and I went to lunch with our family, we would sit at the lunch counter, but Black families were denied service.

If we went to the movie theater in Danville, VA, we sat on the ground floor; the Black patrons had to sit up in the balcony.

That is the America many of us lived in not all that long ago—the same America that Judge Jackson's parents, Johnny and Ellery Brown, were born into. It was an America where discrimination on the basis of race was sanctioned by State governments; an America where the judicial doctrine of ''separate but equal'' was still enshrined into our laws by the Supreme Court; where arbitrary literacy tests kept Black Americans away from poll booths; an America that treated back Americans like second-class citizens despite a civil war, an Emancipation Proclamation, and ratification of the 13th, 14th, and 15th Amendments to our Constitution. It was an America that was far from perfect.

But through decades of struggle, and thanks to the heroes of the civil rights movement, our Nation began to confront injustice in our communities and inequality in our laws. And thanks to brilliant Black lawyers like Thurgood Marshall and Wilmington, Delaware's Louis Redding, a number of legal challenges to America's separate but unequal classrooms went all the way to the Supreme Court.

And perhaps the greatest decision in the Supreme Court's history, Brown v. Board of Education declared to the Nation that the principle of separate but equal could never truly be equal. Brown v. Board of Education did not make our Nation perfect. But it was proof that when the Supreme Court is at its best, America and our Constitution are at their best.

The Supreme Court changed the America that my sister and I lived in—that Judge Jackson's parents lived in—for the better. Combined with the landmark civil rights bills of the 1960s, including the Civil Rights Act of 1964 and the Voting Rights Act of 1965, it made the America that Judge Jackson was born into more perfect than it was for the generations that came before her.

And I hope and pray that each generation will continue to recognize the uniquely American opportunity that our Constitution affords us—the ability to change our communities and our laws for the better—and take on the task themselves.

As Judge Jackson stated in her confirmation hearing, her parents taught her that—and I want to quote her. This is a quote from her:

> Unlike the many barriers that they had to face growing up, my path was clearer, such that if I worked hard and believed in myself, in America I could do anything or be anything I wanted to be.

And, my goodness, did she work hard. The daughter of two graduates of HBCU colleges, Judge Jackson was a star on her high school debate team and was elected ''mayor'' of Palmetto Junior High School and student body president of Miami Palmetto Senior High School. Judge Jackson then graduated magna cum laude from Harvard University and cum laude from Harvard Law School, where she was an editor of the Harvard Law Review. She clerked for not one, not two, but three Federal judges, including for Supreme Court Justice Stephen Breyer.

Judge Jackson could have done anything she wanted with a resume like that—anything—including pursuing any number of well-paying opportunities in the legal profession. Instead, Judge Jackson chose public service, in part because service was instilled in her by her parents, both of whom were public schoolteachers. And public service, no doubt, runs in her family.

Her younger brother felt a similar call to serve. After graduating from another fine HBCU university, Howard University right here in Washington, Judge Jackson's brother enlisted—enlisted—in the U.S. Army right after the 9/11 attacks. He was deployed to Iraq. He also ended up going to Egypt. And then following in the footsteps of two of Judge Jackson's uncles, he became a Baltimore police officer.

When I had the opportunity to meet with Judge Jackson in my office last month, we talked about a wide range of things. Among them, we talked about the diversity of her professional experience, including her time as a public defender right here in the Nation's Capital.

As most of us know, public defenders work very long hours for very little pay. They represent clients who cannot afford an expensive lawyer, and in some cases, they cannot afford any lawyer at all. But our system of government affords every person charged with a crime the presumption of innocence, the right to a fair trial, and the right to a competent defense.

It is a testament to the character of Judge Jackson that she is so committed to equal justice under the law that she was willing to commit the early stages of her career to this important work.

If confirmed, Judge Jackson would be the first Supreme Court Justice to have served as a Federal public defender in this Court's long, storied history and the first with significant criminal defense experience since Justice Marshall.

Now, in 2005, I voted to confirm Chief Justice John Roberts to the Supreme Court; not every Democrat did that. As you may recall, he was appointed by former President George W. Bush, a Republican. Some of my colleagues might remember, before Chief Justice Roberts was ever nominated to a Federal judgeship, he worked in private practice where his firm represented an individual appealing a death penalty conviction for the murder of eight people.

During his 2005 confirmation hearing to the Supreme Court, Chief Justice Roberts was asked about it and stated—and I want to quote him right now. Here is what he said:

> In representing clients, in serving as a lawyer, it's not my job to decide whether that's a good idea or a bad idea. The job of the lawyer is to articulate the legal argument on behalf of the client.

Chief Justice Roberts likened this work to John Adams defending British soldiers after the Boston Massacre, saying that Adams:

> . . . helped show that what our [Founding Fathers] were about was defending the rule of law, not undermining it. And that principle that you don't identify the lawyer with the particular views of a client or the views that the lawyer advances on behalf of the client is critical to the fair administration of justice.

Like Chief Justice Roberts, Judge Jackson has lived up to the values set out over 230 years ago, and in doing so, she has protected and defended our Constitution.

After her time as a public defender, Judge Jackson served as a vice chair for the U.S. Sentencing Commission. She was confirmed unanimously by the U.S. Senate.

Judge Jackson was then nominated to the U.S. District Court for the District of Columbia. She was confirmed unanimously by the U.S. Senate for that post.

And last year, President Biden nominated Judge Jackson to serve on the DC Circuit Court of Appeals, oftentimes referred to as our Nation's second highest court. Yet again, she was confirmed by the U.S. Senate with bipartisan support.

During the decade that she served as a Federal judge, Judge Jackson established a track record as a consensus builder, just like Justice Breyer. During the decade that she served as a Federal judge, Judge Jackson has been evenhanded and she has been impartial. During the decade that she has served as a Federal judge, Judge Jackson has ruled for and against the government, in favor of prosecutors and for criminal defendants, and for both civil plaintiffs and defendants.

As Judge Jackson told our colleagues on the Judiciary Committee recently, she has, she said:

a duty to decide cases based solely on the law, without fear or favor, prejudice or passion.

Judge Jackson is always guided by our Constitution. And it is why she received the support of judges nominated by Democrat and Republicans alike, by law enforcement and the civil rights community, and by Republicans and Democrats in this body on multiple occasions.

Now, these past few weeks, I heard some of our colleagues on the other side of the aisle use this confirmation process to mention the unfairness toward past nominees. Well, every one of these nominees—every nominee that they referred to received a hearing and a vote. The same cannot be said of Merrick Garland, former chief justice of the DC Court of Appeals who was nominated by former President Obama to serve on the Supreme Court. Judge Garland did not receive a hearing. Judge Garland did not receive a vote because our colleagues on the other side of the aisle decided to invent a new rule, and most of them even refused to meet with Merrick Garland, one of the finest servants I have ever known. And this shameful blockade led to what many Americans, myself included, view as a stolen Supreme Court seat, a permanent stain on this body's reputation and a reduction in the Supreme Court's credibility.

Then 4 years later, our colleagues on the other side of the aisle broke their own precedent and invented yet another new rule to confirm a Supreme Court Justice 8 days—8 days before election day, when tens of millions of ballots had already been cast.

And while I will never forget this truly shameful behavior, this week we have a chance to move away from politics. We have a chance to place an extremely well-qualified nominee to the Supreme Court and to do so with the support of Senators from both sides of the aisle.

In the end, the American people need to trust the Supreme Court to make decisions on questions that impact every single American: whether we have access to clean air is one of those issues, whether we have access to clean water, whether we have access to good healthcare, whether women have the right to make their own healthcare decisions. We need a Supreme Court that stays above the political fray. We need a Supreme Court that calls ''balls and strikes,'' as Chief Justice Roberts once said—a Supreme Court that maintains the trust of the American people as the arbiter of a Constitution that protects the civil rights of all Americans.

Judge Jackson will bring a breadth and a diversity of experience to the Supreme Court not often seen. Judge Jackson's resume—Harvard; Harvard Law; clerk to three Federal judges, including Justice Breyer; a public defender; U.S. Sentencing Commission vice chairman; Federal district court judge; and Federal Circuit Court judge—is evidence that she is among the most-qualified individuals in our country for this esteemed role.

Her character and her intellect are beyond reproach. She weathered a grueling confirmation process with grace and dignity.

Let me close by noting that Judge Jackson's nomination is proof that today in America one's qualifications and unrelenting work ethic earn you your spot, that public service is valued and commitment to the principles that protect our country do mean something, that the sacrifices of one generation slowly but surely make for a better America for the next generation.

So count me among the millions of Americans who are inspired by Judge Jackson's life story, a uniquely American story that provides proof that our Nation can be made more perfect over time.

And it brings this Senator from Delaware, who grew up in Danville, the last capital of the Confederacy, into a much different America. It brings me great joy to be able to cast a vote for Judge Ketanji Brown Jackson to serve as an Associate Justice on the Supreme Court of the United States.

And with that I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

MOTIONS TO INSTRUCT CONFEREES

Mr. SANDERS. Mr. President, I look forward to offering two rollcall votes on motions to instruct conferees to the so-called ''competitiveness'' bill based on the assurances given to me by the majority leader. I am not quite sure when we are going to get to that, but I look forward to offering those two rollcall votes.

The first motion would instruct the conference committee not to provide $53 billion to the highly profitable microchip industry without protections for the American people.

The second motion would instruct conferees not to provide a $10 billion bailout to Blue Origin, a space company owned by Jeff Bezos, the second-wealthiest person in America, who is also the owner of Amazon. Amazon is a company which, in a given year, pays nothing—zero—in Federal income taxes after making billions in profits; and, by the way, in a given year, Mr. Bezos himself, one of the wealthiest people in the country, has paid nothing in Federal income taxes despite being worth nearly $200 billion.

Let me be very clear. Mr. Bezos has enough money to buy a very beautiful $500 million yacht. It looks very nice to me, not that I know much about yachts; but that one looks very nice. Mr. Bezos has enough money to purchase a $23 million mansion with 25 bathrooms. I am not quite sure you need 25 bathrooms, but that is not my business—and here is that mansion. So, no, count me in as somebody who does not think that the taxpayers of this country need to provide Mr. Bezos a $10 billion bailout to fuel his space hobby.

When all is said and done, both of these motions are—the one on $53 billion for the microchip industry and $10 billion for Mr. Bezos—touch on an extremely important issue that is very rarely discussed in the corporate media or on the floor of the Senate, and that is how we proceed—how we go forward with industrial policy in this country.

I should be very clear in saying I believe in industrial policy. I believe that it makes sense on certain occasions for the government and the private sector to work together in a mutually beneficial way to address a pressing need in America.

Industrial policy, to me, means cooperation between the government and the private sector—cooperation. It does not mean the government providing massive amounts of corporate welfare to extremely profitable corporations without getting anything in return: Here is your check. Do what you want. Have a nice day.

In other words, will the U.S. Government develop an industrial policy that benefits all of our society or will we continue to have an industrial policy that benefits just the wealthy and the powerful?

In 1968, Dr. Martin Luther King, Jr., said:

The problem is that we all too often have socialism for the rich and rugged free enterprise capitalism for the poor.

I am afraid that what Dr. King said 54 years ago was not only accurate back then but is even more accurate today.

We hear a lot of talk around here about the need to create public-private partnerships. That all sounds very good, but when the government adopts an industrial policy that socializes all of the risk and privatizes all of the profits, whether it is handing the microchip industry a $53 billion blank check or giving Mr. Bezos a $10 billion bailout to fly to the Moon, that is not a partnership. That is the exact opposite of a partnership. That is corporate welfare. That is crony capitalism.

Each and every day, I have heard my Republican colleagues and some corporate Democrats blame inflation on runaway government spending. In fact,